

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN LUIS
OBISPO ADDING TITLE 2, CHAPTER 2.37 TO THE SAN LUIS OBISPO COUNTY CODE
TO PROVIDE INFORMAL BIDDING PROCEDURES UNDER THE CALIFORNIA
UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT
(Public Contract Code Section 22000, et seq.)

The Board of Supervisors of the County of San Luis Obispo, State of California ordains as follows:

SECTION 1. Title 2, Chapter 2.37 (Informal Bidding), is hereby added to the San Luis Obispo County Code to read as follows:

Chapter 2.37 INFORMAL BIDDING

Sections:

2.37.010	Purpose.
2.37.020	Informal Bidding Procedures.
2.37.030	Contractors List.
2.37.040	Notice Inviting Informal Bids.
2.37.050	Award of Contracts.
2.37.060	Adjustment to Amounts.
2.37.070	Force Account, Negotiated Contracts, Purchase Orders
2.37.080	Plans and Specifications
2.37.090	Successor Statutes Included

2.37.010 Purpose. The Uniform Public Construction Cost Accounting Act (the “Act”) (California Public Contract Code Section 22000 et seq.) establishes uniform cost accounting procedures. Local agencies that elect to become subject to the Act’s accounting procedures are required to enact an informal bidding ordinance to govern the selection of contractors to perform public projects in accordance with the Act. The County has elected to become subject to the uniform construction accounting procedures set forth in the Act and has established this chapter in accordance with Public Contract Code Section 22034.

2.37.020 Informal Bid Procedures. Public projects, as defined by the Act, and in accordance with the limits listed in Public Contract Code Section 22032, may be let to contract by informal procedures as set forth in Public Contract Code Section 22032, et. seq.

2.37.030 Contractors List. The County Purchasing Agent or his/her designee (hereinafter “Purchasing Agent”) shall develop and maintain a list of contractors in accordance with the provisions of Public Contract Code Section 22034 and criteria promulgated from time to time by

the California Uniform Construction Cost Accounting Commission.

2.37.040 Notice Inviting Informal Bids. Where a public project is to be performed which is subject to the provisions of this Ordinance, a notice inviting informal bids shall be transmitted to all contractors for the category of work to be bid, as shown on the list developed in accordance with Section 2.37.030, and to all construction trade journals as specified by the California Uniform Construction Cost Accounting Commission in accordance with Public Contract Code Section 22036, within the time period established by Public Contract Code Section 22034. Additional contractors and/or construction trade journals may be notified at the discretion of the Purchasing Agent, provided; however:

- (1) If there is no list of qualified contractors maintained by the County for the particular category of work to be performed, the notice inviting bids shall be sent only to the construction trade journal specified by the Uniform Construction Cost Accounting Commission.
- (2) If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.

2.37.050 Award of Contracts. The County Purchasing Agent is authorized to issue the notice for informal bids for public projects and award informal contracts pursuant to this Chapter 2.37.

2.37.060 Adjustments to Amounts. Pursuant to the terms of the Act, the maximum dollar amounts authorized by the Act for informal bidding of public projects are periodically subject to change by the State of California. The dollar amounts in this chapter shall be read and interpreted to be whatever the maximum amounts authorized pursuant to the terms of the Act are, as it may be amended from time to time, or as such amounts have been adjusted by the State Controller in accordance with Public Contract Code Sections 22020 and/or 22032. No amendment of this Chapter shall be necessary for the County to utilize the higher amount if such amount has been authorized by the State in accordance with the Act.

2.37.070 Force Account, Negotiated Contracts, Purchase Orders. Public projects may be performed by County employees by force account or may be awarded by negotiated contract or by purchase order by the Purchasing Agent without competitive bidding within the limits established under Public Contract Code Sections 20395, 22031 and/or 22032.

2.37.080 Plans and Specifications. Consistent with Public Contract Code Section 22039, the Board of Supervisors hereby delegates to the Purchasing Agent and Public Works Director, and to each of their respective designees, the authority to approve and/or adopt plans, specifications, and working details for all public projects that do not exceed the maximum dollar amount allowed for informal bidding under the Public Contract Code. Both the Purchasing Agent and Public Works Director shall have the discretion to designate a different person to exercise this authority for each applicable public project. Provided, however, if applicable law requires that the particular plans, specifications, or working details be approved by a person holding a particular license, and that license is held by a County employee, the person designated to

approve and/or adopt such plans, specifications, and working details shall hold the required license. Regardless of whether a particular public project is above or below the maximum dollar amount allowed for informal bidding, and regardless of whether the approval or adoption of any particular plans, specifications or working details is done by a delegated designee under this paragraph, or is done by the Board of Supervisors, if the County had hired an independent engineer, architect or other consultant to prepare such plans, specifications, or working details, no adoption or approval of any plans, specifications, or working details by the County shall relieve any such independent contractor of its responsibility for such plans, specifications, or working details.

2.37.090 Successor Statutes Included. Any references to any specific statute in this Ordinance includes any successor statutes that replace or succeed the statute referenced herein.

SECTION 2. This Ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage hereof. Before the expiration of fifteen (15) days after the adoption of this Ordinance, the Ordinance, or a summary of it, shall be published once, with the names of the members of the Board of Supervisors voting for and against the Ordinance in a newspaper of general circulation, published in the County of San Luis Obispo, State of California and the Clerk shall post in the office of the Clerk of the Board of Supervisors a certified copy of the full text of the adopted ordinance along with the names of those Supervisors voting for or against the Ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the _____ day of _____, 2014, and PASSED, APPROVED and ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, this _____ day of _____, 2014, by the following roll call vote, to wit:

AYES: Supervisors

NOES:

ABSENT:

ABSTAINING:

The foregoing ordinance is hereby adopted:

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

BY: _____
Deputy Clerk

[SEAL]

ORDINANCE CODE PROVISIONS
APPROVED AS TO FORM AND CODIFICATION:

RITA L. NEAL
County Counsel

By: Shannon G. Matuszewicz
Deputy County Counsel

Dated: _____